

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL SHERRED,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 07-350 Erie
)	
RONALD KELCHNER, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on December 21, 2007 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on January 19, 2010 [13], recommends that the petition for writ of habeas corpus be denied and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail at SCI Camp Hill, where he is incarcerated, and on Respondents. Objections were filed by Petitioner on February 23, 2010 [16]. After de novo review of the petition and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 12th day of April, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is DENIED. Inasmuch as jurists of reason would not find it debatable whether the Petitioner's claims lack merit, IT IS FURTHER ORDERED that no certificate of appealability shall issue.

The Report and Recommendation of Magistrate Judge Baxter, dated January 19, 2010 [13], is adopted as the opinion of the Court.

/s/ Sean J. McLaughlin
SEAN J. McLAUGHLIN
United States District Judge

cm: All parties of record.
U.S. Magistrate Judge Susan Paradise Baxter